

646

PORTION OF
RELOCATES/NORTH WADING RIVER ROAD TO GREGORY WAY

WHEREAS, in accordance with a resolution of the Planning Board of the Town of Riverhead dated November 12, 1987, a major subdivision was laid out situate at Wading River, in the Town of Riverhead, and County of Suffolk known as "Map of Pheasant Run at Wading River," and

WHEREAS, said map was duly filed in the Office of the Suffolk County Clerk on July 15, 1987 as Map # 8345, and

WHEREAS, there is depicted upon said map a more or less fifty (50) foot wide thoroughfare known as "North Wading River Road," (Status unknown) and

WHEREAS, at the request of the Planning Board, inquiries were made prior to the plat approval as to the interests of any parties in said thoroughfare, and

WHEREAS, Jerem O'Sullivan, Esq., attorney for the applicant, reported that a title search disclosed no interests of record, and

WHEREAS, the Planning Board, nevertheless required the applicant to connect the travelled section of said thoroughfare known as 'Fire Lane' with the northerly cul-de-sac within the subdivision, to wit: Gregory Way, and

WHEREAS, the owners of real property within the subdivision on the easterly side of said Gregory Way are burdened by the depiction on the filed map "Status Unknown" as it relates to said thoroughfare, and

WHEREAS, the said map can not be amended without benefit of municipal action addressing the status of said thoroughfare, and

WHEREAS, after consultation with the Town Attorney's office, and on the advice of the applicant's attorney, an application has been made to the Town Board of the Town of Riverhead to re-locate the portion of said North Wading River Road running along the easterly boundary of the subdivision from Sound Avenue on the south to the Gregory Way cul-de-sac on the north to Gregory Way as shown on said map, and

WHEREAS, said North Wading River Road passes through lands owned by the State of New York in the name of Long Island State Park Commission, and

WHEREAS, in accordance with Section 212 of the New York State Highway Law, the consent and approval of the state authority having jurisdiction over said lands is required as

a condition for an Order directing such re-location, and

WHEREAS, the consent and approval of the Long Island State Park Commission has been obtained,

NOW, therefore, it is resolved as follows:

1. That the Town Board, after full discussion and due deliberation, have concluded that it is in the interests of the Town of Riverhead to direct the Superintendent of Highways to enter an Order re-locating the said North Wading River Road as depicted on the filed map known as "Map of Pheasant Run At Wading River" from its southerly terminus to its intersection with the northerly cul-de-sac of Gregory Way to Gregory Way as same is depicted on the aforesaid filed map and which map is filed with the Town Clerk; and
2. That pursuant to Section 212 of the Highway Law of the State of New York as amended by Chapter 161 of the Laws of 1988, a copy of said Order be filed with the New York State Office of Parks, Recreation and Historic Preservation.

Councilman Prusinowski offered the above resolution which was seconded by Councilman Stark.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

In the Matter of the Application

CONSENT AND APPROVAL

to

Re-locate part of North Wading
River Road to Gregory Way

WHEREAS, in accordance with a resolution of the Planning Board of the Town of Riverhead dated November 12, 1987, a major subdivision was laid out situate at Wading River, in the Town of Riverhead, and County of Suffolk known as "Map of Pheasant Run at Wading River," and

WHEREAS, said map was duly filed in the Office of the Suffolk County Clerk on July 15, 1987 as Map # 8345, and

WHEREAS, there is depicted upon said map a more or less fifty (50) foot wide thoroughfare known as "North Wading River Road," and

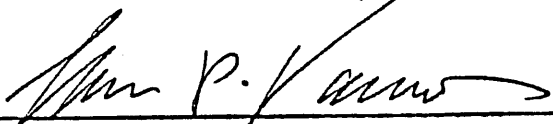
WHEREAS, an application has been made to the Town Board of the Town of Riverhead to re-locate a portion of said North Wading River Road running along the easterly boundary of the subdivision from Sound Avenue on the south to the Gregory Way cul-de-sac on the north to Gregory Way as shown on said map, and

WHEREAS, said North Wading River Road passes through lands owned by the State of New York in the name of Long Island State Park Commission, and

WHEREAS, in accordance with Section 212 of the New York State Highway Law, the consent and approval of the state authority having jurisdiction over said lands is required as a condition for an Order by the Commissioner of Transportation directing such re-location,

NOW, therefore, it is agreed as follows:

1. That the undersigned does hereby waive any rights which it may have in the portion of North Wading River Road as set forth above and does affirmatively consent and approve of its proposed re-location to Gregory Way as shown on the filed map known as, "Map of Pheasant Run at Wading River."


Office of Parks, Recreation and Historic
Preservation - Ninth Region
by and for the State of New York

AUTHORIZE TRANSFER OF FUNDS# 647

Councilperson Stark offered the following resolution which was seconded by Councilperson Prusinowski.

RESOLVED, that the Supervisor be and hereby is authorized to transfer the following General Town Funds

FROM: 001.036200.543403 Building Department, Conferences \$ 500.00

FROM: 001.036200.542400 Building Department, Uniforms \$ 300.00

TO: 001.036200.542404 Building Department, Cleaning \$ 800.00

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Resolution # 648 Authorizing Publication of Notice

Councilperson Civiletti offered the following resolution which was seconded by Councilperson Lombardi.

WHEREAS, the Town of Riverhead was granted United States Department of Housing and Urban Development Community Development Block Grant funds in fiscal year 1989 for development of affordable housing; and

WHEREAS, the procedure for release of these funds requires the preparation of an Environmental Review Record and publication of a public notice of a finding of no significant impact and of the Town's request for release of funds.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead authorize the Town Clerk to publish the attached notice of Finding of No Significant Impact on the Environment and Request for Release of Funds for said project in the Suffolk County Life on Wednesday, October 3, 1990; and

BE IT FURTHER RESOLVED, that the Town Clerk provide a certified copy of this resolution to Andrea Lohneiss, Community Development Director.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

LEGAL NOTICE
NOTICE OF FINDING OF
NO SIGNIFICANT EFFECT
ON THE ENVIRONMENT
AND REQUEST FOR
RELEASE OF
FEDERAL FUNDS

Town of Riverhead
200 Howell Avenue
Riverhead, NY 11901
(516) 727-3200

TO ALL INTERESTED AGENCIES, GROUPS, AND PERSONS:

On or about ~~October 19~~ 1990, the Town of Riverhead will request the U.S. Department of Housing and Urban Development to release Federal funds under Title 1 of the Housing and Community Development Act of 1964 (PL 93-383) to be used for the following projects:

1. ~~Affordable Housing~~ -- Construction of 21 units in subdivision
2. ----- to be called Osborne Meadows; to be located
3. ----- on Middle Road Riverhead. \$323,100

It has been determined that such Request for Release of Funds will not constitute an action significantly affecting the quality of the human environment and, accordingly, the Town of Riverhead has decided not to prepare an Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190). The reason for such decision not to prepare such statement is as follows:

(i) The analysis required for the development of our Environmental Review Records for the subject projects did not point to any impact that would significantly affect the human environment. The basis for this determination lies in the fact that all identified adverse impacts are not intractable and can, through project design, be either minimized or avoided.

Environmental Review Records respecting the aforementioned projects have been made by the Town of Riverhead which document the environmental review of the projects and more fully set forth the reasons why such Statement is not required. The Environmental Review Records are on file at the above address and are available for public inspection and copying, upon request at the Community Development Office between the hours of 9 a.m. and 4 p.m.

No further environmental reviews of said projects are proposed to be conducted prior to the Request for Release of Federal Funds.

All interested agencies, groups, and persons disagreeing with this decision are invited to submit written comments for consideration by the Town of Riverhead to the Office of the Supervisor. Such written

comments should be received by the Supervisor on or before ~~October 19, 1990~~. All such comments received will be considered and the Town of Riverhead will not request the Release of Federal Funds for the subject projects prior to ~~October 19, 1990~~-----.

The Town of Riverhead will undertake the subject projects with Block Grant funds from the U.S. Department of Housing and Urban Development (HUD) under Title 1 of the Housing and Community Development Act of 1974. The Town of Riverhead is certifying to HUD that the Town of Riverhead and the Town Supervisor, in his official capacity as Supervisor, consent to accept the jurisdiction of the Federal courts if an action is brought to the responsibilities in relation to environmental review, decision making, and action, and that these responsibilities have been satisfied.

The legal effect of the certification is that upon its approval, the Town of Riverhead may use the Block Grant funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969. HUD will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases: (a) that the certification was not in fact executed by the chief executive officer or other officer of the applicant approved by HUD; or (b) that applicant's Environmental Review Records for the projects indicate omission of a required decision, finding, or step applicable to the project in the environmental review process. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58) and may be addressed to:

U.S. Department of Housing and Urban Development (HUD)
New York Area Office
26 Federal Plaza
New York, NY 10028

Objections to the release of funds made on bases other than those stated above will not be considered by HUD. No objection received after ~~November 5, 1990~~----- will be considered by HUD.

By: Mr. Joseph Janoski
Town Supervisor
200 Howell Avenue
Riverhead, NY 11901
Dated: -----

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD, NEW YORK
IRENE J. PENDZICK, TOWN CLERK

10/2/90

10/15 983
H. 8.00

649

AUTHORIZED THE SOLICITATION OF BIDS FOR
OFFICE SUPPLIES, EQUIPMENT AND FURNITURE

COUNCILPERSON Lombardi offered the following RESOLUTION, which
was seconded by COUNCILPERSON Civiletti.

RESOLVED, that the Town Clerk be and hereby is authorized
to advertise for sealed bids for the purchase of OFFICE SUPPLIES
EQUIPMENT & FURNITURE
for use by the Town of Riverhead, and be it further

RESOLVED, that the Town Clerk be and hereby is authorized
to open and publicly read allowed said bids at 11:00 A. M. on
October 15 19 90, at Town Hall, 200 Howell Avenue, Riverhead
New York: and to make a report of said bids to the Town Board at the next
public meeting following the opening of the bids.

NOTICE TO BIDDERS ATTACHED

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed bids for the purchase of OFFICE SUPPLIES,
FURNITURE & EQUIPMENT for use by
the TOWN OF RIVERHEAD will be received by the Town Clerk
of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead
New York, 11901, until 11:00 A.M. on October 15 1990 .

Bid packets, including specifications, may be obtained at the Town Clerk
Office at Town Hall Monday through Friday between the hours of 8:30 A.M.
and 4:30 P.M.

All bids must be submitted on the bid form provided. Any and all excep-
tions to the specifications must be listed on a separate sheet of paper,
bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached
to the bid form.

The Town Board reserves the right and responsibility to reject any or all
bids or to waive any formality if it believes such action to be in the
best interest of the Town.

All bids are to be submitted in a sealed envelope bearing the designation
OFFICE SUPPLIES, FURNITURE AND EQUIPMENT

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Irene J. Pendick, Town Clerk

10/2/90

985

650

AUTHORIZED THE SOLICITATION OF BIDS FOR
JANITORIAL SUPPLIES

COUNCILPERSON Lombardi offered the following RESOLUTION, which
was seconded by COUNCILPERSON Civiletti.

RESOLVED, that the Town Clerk be and hereby is authorized
to advertise for sealed bids for the purchase of JANITORIAL SUPPLIES
for use by the TOWN OF RIVERHEAD, and be it further

RESOLVED, that the Town Clerk be and hereby is authorized
to open and publicly read allowed said bids at 11:15 A. M. on
October 15 1990, at Town Hall, 200 Howell Avenue, Riverhead
New York: and to make a report of said bids to the Town Board at the next
public meeting following the opening of the bids.

NOTICE TO BIDDERS ATTACHED

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed bids for the purchase of JANITORIAL SUPPLIES for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead New York, 11901, until 11:15 A.M. on October 15, 1990.

Bid packets, including specifications, may be obtained at the Town Clerk's Office at Town Hall Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M.

All bids must be submitted on the bid form provided. Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such action to be in the best interest of the Town.

All bids are to be submitted in a sealed envelope bearing the designation JANITORIAL SUPPLIES.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Irene J. Pendick, Town Clerk

651ADOPTS AMENDMENT TO SECTION 101-10.1 PARKING, STOPPING
AND STANDING OF THE RIVERHEAD TOWN CODE

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Stark:

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider amending Section 101-10.1 Parking, stopping and standing of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of August, 1990, at 7:45 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board has issued its negative declaration regarding the amendment to the Riverhead Town Code and that this amendment will not have a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that the amendment to Section 101-10.1 Parking, stopping and standing of the Riverhead Town Code be and is hereby adopted as follows:

101-10.1. Parking, standing and stopping prohibited except for emergency and police vehicles.

Street/Area	Side	Location
<u>Roanoke Avenue</u>	<u>East & West</u>	<u>From a point 130 feet South of Elton Street to a point 140 feet North of Pulaski Street.</u>

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution once in the Suffolk County Life and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Highway Department, Suffolk County Department of Public Works and the Town Attorney's Office.

Dated: Riverhead, New York
October 2, 1990.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

652 APPROVES PARAGON CONSTRUCTION, INC., AS DRAIN LAYER

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON Prusinowski:

WHEREAS, Paragon Construction, Inc., has made application to the Town of Riverhead pursuant to Chapter 88 of the Riverhead Town Code to be bonded as a drain layer for the Riverhead Sewer District; and

WHEREAS, a bond in the form of a certificate of deposit in the amount of \$5,000.00 has been posted and a certificate of insurance has been filed with the Town Clerk.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby approves Paragon Construction, Inc., as a drain layer for the Town of Riverhead Sewer District pursuant to Chapter 88 of the Riverhead Town Code; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Paragon Construction, Inc., the Riverhead Sewer District and the Town Attorney's Office.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

653

_____ AUTHORIZES ATTENDANCE OF POLICE OFFICER AT SEMINAR

Councilperson Civiletti offered the following resolution which was seconded by Councilperson Lombardi.

WHEREAS, the Division of Criminal Justice Services has recommended a Town of Riverhead Police Officer to attend the Drug Abuse Resistance Education (DARE) Instructor training seminar to be held in Saratoga Springs, New York on October 15-26, 1990; and

WHEREAS, a \$500.00 fee is being charged and shall include all costs for training, lodging and meals.

NOW, THEREFORE, BE IT RESOLVED, that an officer from the Town of Riverhead Police Department be and is hereby authorized to attend the aforementioned seminar; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Chief Grattan and the Office of Accounting.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson Civiletti:

WHEREAS, the Riverhead Town Board is in receipt of a Special Permit petition for the development of a non-nuisance industry within the Industrial 'B' and Business 'CR' Zoning Use District upon a parcel of land located on the south side of New York State Route 25, Calverton, approximately 2,700 + feet west of Peconic Avenue (Suffolk County Tax Map Number 0600-116-1-1); such petition submitted by Omni Technical Services, and

WHEREAS, the Riverhead Town Board, upon report and recommendation from the Planning Department, has declared itself to be the Lead Agency in this action and has determined the action to be Type I with a potential for a significant impact upon the environment, and

WHEREAS, a notice of significance was prepared as required by the New York State Environmental Conservation Law, and

WHEREAS, a scoping hearing for the Draft Environmental Impact Statement was held by the Riverhead Town Board on the fifth day of June, 1990, and

WHEREAS, the Riverhead Town Planning Department has, pursuant to Article 8 of the State Environmental Conservation Law, provided the applicant with a written scope of issues to be addressed within the Draft Environmental Impact Statement, and

WHEREAS, the Riverhead Town Board is in receipt of a Draft Environmental Impact Statement provided by the applicant, and

WHEREAS, the Riverhead Planning Department has reviewed the Draft Environmental Impact Statement with respect to its form and content and has recommended to the Riverhead Town Board that it is adequate for review by involved agencies and parties of interest;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, as Lead Agency in the matter of the Special Permit petition of Omni Technical Services, hereby accepts the Draft Environmental Impact Statement submitted in support of the Special Permit petition, and

BE IT FURTHER

RESOLVED, that the Planning Director publish and post those notices of acceptance of a Draft Environmental Impact Statement as required by Article 8 of the New York State Environmental Conservation Law, and

BE IT FURTHER

RESOLVED, that copies of the Draft Environmental Impact Statement be sent to all involved agencies and parties of interest as required.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

72113-377P

#655

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on October 2, 1990 at 7:30 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Janoski, and upon roll being called, the following were

PRESENT: Supervisor Joseph F. Janoski
Councilman John Lombardi
Councilman Victor Prusinowski
Councilman James Stark
Councilwoman Denise Civiletti

ABSENT:

The following resolution was offered by Councilman Vic Prusinowski, who moved its adoption, seconded by Councilman James Stark, ~~to-wit:~~

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$25,000 SERIAL BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY ADDITIONAL COSTS OF THE PURCHASE AND INSTALLATION OF STREET LIGHTING ON MAIN STREET IN THE DOWNTOWN AREA OF THE RIVERHEAD HAMLET IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK.

WHEREAS, by bond resolution dated July 3, 1990, the Town Board of the Town of Riverhead, Suffolk County, New York, authorized the issuance of \$125,000 serial bonds of said Town to pay the cost of the purchase and installation of street lighting on Main Street in the downtown area of the Riverhead hamlet in and for the Town of Riverhead, Suffolk County, New York; and

WHEREAS, it has now been determined that the maximum estimated cost of such project is \$150,000, an increase of \$25,000 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$25,000 serial bonds of said Town to pay such costs; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. For the specific object or purpose of paying part of the cost of the purchase and installation of street lighting on Main Street in the downtown area of the Riverhead hamlet in and for the Town of Riverhead, Suffolk County, New York, there are hereby authorized to be issued an additional \$25,000 serial bonds of the Town of Riverhead, Suffolk County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of the aforesaid specific object or purpose is hereby determined to be \$150,000, and the plan for the financing thereof is as follows:

- a) By the issuance of the \$125,000 serial bonds of said Town previously authorized by bond resolution dated July 3, 1990; and
- b) By the issuance of the additional \$25,000 serial bonds of said Town authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 5 of paragraph a of Section 11.00 of the Local Finance Law; provided, however, that the maximum maturity of the serial bonds herein authorized shall not exceed fifteen years and no downpayment is required therefor pursuant to Section 107.00(d)(4) of the Local Finance Law. It is hereby determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents,

and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution, which takes effect immediately, shall be published in full in Suffolk County Life, the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

<u>Supervisor Joseph Janoski</u>	VOTING	<u>YES</u>
<u>Councilman John Lombardi</u>	VOTING	<u>YES</u>
<u>Councilman Victor Prusinowski</u>	VOTING	<u>YES</u>
<u>Councilman James Stark</u>	VOTING	<u>YES</u>
<u>Councilwoman Denise Civile</u>	VOTING	<u>YES</u>

The resolution was thereupon declared duly adopted.

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*

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)
of posted notice

Date of Posting

Town Clerk's Bulletin Board

January 3, 1990

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on October ____, 1990.

Town Clerk

(CORPORATE
SEAL)

656 AMENDS SITE PLAN OF JOHN J. MUNZEL AND CAROL J. MUNZEL

Councilperson Stark offered the following resolution, which was seconded by Councilperson Prusinowski:

WHEREAS, by Resolutions #754 and #288, dated November 8, 1989, and May 1, 1990, respectively, the Town Board of the Town of Riverhead did approve and modify the site plan of John J. Munzel and Carol J. Munzel for the construction of a parking area and attendant site improvements, at premises located at 548 Roanoke Avenue, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-126-4-23, and

WHEREAS, the owner has requested additional modifications to said approved site plan, involving a reduction in buffer width, as shown on a site plan prepared by Gordon K. Ahlers, P.E., 188 Manor Lane, Jamesport, New York, dated September 22, 1989, and last revised September 14, 1990, and

WHEREAS, the Planning Department has reviewed said modifications and has recommended to the Town Board that said modifications be approved, and

WHEREAS, based on the Town Board review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the amendment applied for will be a Type II Action without a significant impact on the environment, pursuant to State Environmental Conservation Law and 6 NYCRR Part 617, and

WHEREAS, this Town Board has reviewed the site plan aforementioned;

NOW, THEREFORE, BE IT

RESOLVED, that the site plan of John J. Munzel and Carol J. Munzel be and is hereby modified by the Town Board of the Town of Riverhead to reflect the site plan prepared by Gordon K. Ahlers, P.E., 188 Manor Lane, Jamesport, New York, dated September 22, 1989, and last revised September 14, 1990, and

BE IT FURTHER

RESOLVED, that all remaining provisions of Town Board Resolution #754 shall remain in full force and effect, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward certified copies of this resolution to John J. Munzel and Carol J. Munzel, Gordon K. Ahlers, P.E., the Riverhead Planning Department, Building Department, and Office of the Town Attorney.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

APPROVES SITE PLAN OF MICHELLE DOROSKI - TEMPORARY
GREENHOUSE

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

WHEREAS, a site plan was submitted by Michelle Doroski for construction of a temporary greenhouse located at north side of Main Road (New York State Route 25), west of Edgar Avenue, Aquebogue, New York, known and designated as Suffolk County Tax Map Number 0600-66-2-20.2; and

WHEREAS, the Planning Department has reviewed the site plan, as prepared by Robert A. Kart, L.S. and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Type II Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

WHEREAS, this Town Board has reviewed the site plan aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan submitted by Michelle Doroski, for construction of a temporary greenhouse, located at north side of Main Road (New York State Route 25), west of Edgar Avenue, Aquebogue, New York, as prepared by Robert A. Kart, L.S., be and is hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all

signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and agrees to abide by same;

6. That by execution and filing of this document, Konrad Doroski hereby authorizes and consents to the Town of Riverhead to enter premises at north side of Main Road (New York State Route 25), west of Edgar Avenue, Aquebogue, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

7. That the use of the structure(s) approved herein shall be limited solely to agricultural production and that there shall be no retail use therein; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Michelle Doroski, Konrad Doroski, the Riverhead Planning Department, Riverhead Building Department, and Office of the Town Attorney.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTION # 658 AUTHORIZING TRANSFER OF PROPERTY FOR
AFFORDABLE HOUSING

Councilperson Lombardi offered the following resolution which was seconded by Councilperson Civiletti.

WHEREAS, the Town of Riverhead did take title to property located on Sigal Avenue, Millbrook Gables, and referred to as SCTM# 0600-105-1-34 from Suffolk County on August 7, 1989 pursuant to Suffolk County Resolution No. 331-1989 adopted on 4/11/89 and approved by the County Executive on 4/28/89 and pursuant to the Town of Riverhead resolution No. 329-1989 adopted 5/2/89; and

WHEREAS, said property is to be used solely and exclusively for affordable housing purposes, subject to conditions contained within the deed; and

WHEREAS, Habitat for Humanity of Suffolk has requested transfer of said parcel by the Town of Riverhead for new construction of a single family home for sale to a Riverhead family earning less than \$25,000 per year and subject to recapture conditions to ensure long-term owner occupancy and affordability; and

WHEREAS, the Habitat for Humanity of Suffolk Board of Directors will accept by resolution prior to transfer all conditions placed on the property by Suffolk County including a mortgage in the amount of \$750.00.

NOW, THEREFORE, BE IT RESOLVED, that property known as 0600-105-1-34 be authorized to be transferred to Habitat for Humanity of Suffolk pursuant to the above terms; and

BE IT FURTHER RESOLVED, that the Supervisor be and is hereby authorized to execute any and all documents necessary to effectuate the transfer of property; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Andrea Lohneiss, Community Development Director, Patricia Moore, Town Attorney, and Roger Metcalf, Executive Director Habitat for Humanity of Suffolk.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

659

DESIGNATES CONSULTANT AND REQUESTS PAYMENT OF SEQRA
FEES FROM OMNI TECHNICAL SERVICES, INC.

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Stark:

WHEREAS, Omni Technical Services, Inc., submitted to the Town Board, as lead agency, its Draft Environmental Impact Statement (DEIS) for the construction and operation of a 500 TPD Intensive Recycling/Composting Facility on a 51-acre site in Calverton, Suffolk County, New York; and

WHEREAS, the Town Board, as lead agency, will review the DEIS to the best of its ability; and

WHEREAS, because of the technical and scientific aspects of the DEIS, the Town Board, as lead agency, wishes to retain a consultant pursuant to Section 617.17(a) of the State Environmental Quality Review Act (SEQRA), which provides that "...the lead agency may charge a fee to the applicant in order to recover the actual costs of ... reviewing the draft EIS."; and

WHEREAS, the fee for said SEQRA review shall not exceed one-half of one percent of the total project cost.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, as lead agency, hereby designates Clark Engineering as consultant for SEQRA review and response to comments of Omni Technical Services, Inc., for the construction and operation of a 500 TPD Intensive Recycling/Composting Facility on a 51-acre site in Calverton, Suffolk County, New York; and be it further

RESOLVED, that the amount of the fees chargeable by Clark Engineering for said review shall not exceed the amount of ten thousand (\$10,000.) dollars; and be it further

RESOLVED, that the Town Board, as lead agency in the above application, hereby requests that Omni Technical Services, Inc., deposit with the Town of Riverhead the sum of five thousand (\$5,000.) dollars, upon receipt of which the review of the DEIS shall commence; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Omni Technical Services, Inc., Clark Engineering and the Town Attorney's Office.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#660 AWARDS BID FOR HAZARDOUS HOUSEHOLD WASTE TRAINING AND
HAZARDOUS HOUSEHOLD WASTE HAULING

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON Prusinowski:

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for hazardous household waste training and hazardous household waste hauling; and

WHEREAS, bids were received, opened and read aloud on the 1st day of October, 1990, at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the notice to bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for hazardous household waste training and hazardous household waste hauling be and is hereby awarded to Chemical Pollution Control, Inc.; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to return any and all bid bonds received in connection with the above; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Chemical Pollution Control, Inc., Riverhead Sanitation Department and the Town Attorney's Office.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

661 APPROVES CHANGE OF ZONE PETITION OF M.H. OF L.I.

Councilperson Lombardi offered the following resolution, which was seconded by Councilperson Prusinowski:

WHEREAS, the Riverhead Town Board is in receipt of a Change of Zone petition to provide for the Retirement Community District Overlay Zone upon a tract of land located on the south side of Sound Avenue, Baiting Hollow, approximately 700 feet west of Fresh Pond Avenue (Suffolk County Tax Map Number 0600-59-1-3.1); such petition submitted by M.H. of L.I., and

WHEREAS, the Riverhead Town Board has declared itself to be the Lead Agency in this matter and has determined the petition to be an Unlisted Action with a potential for a significant impact upon the environment and required the preparation of an Environmental Impact Statement, and

WHEREAS, the Riverhead Town Board has accepted the established SEQR record as a Final Environmental Impact Statement and has adopted Findings, and

WHEREAS, the Riverhead Town Board has found that the subject zone change is appropriate in that:

- (i) There exists a need for this type of housing within the Town of Riverhead and the region;
- (ii) The project site is in conformance with the criteria of the Retirement Community Zoning Use District in that the subject parcel is proximate to both community services and designated hamlet areas;
- (iii) The proposed project is considered to have less of an impact upon the natural and social environment than that development currently achievable under the provisions of the applicable Zoning Use District;
- (iv) The proposed project is compatible with existing land use in that the development is contiguous with an existing high density residential use; and

WHEREAS, the Riverhead Town Board has referred the petition to the Suffolk County Planning Commission for its recommendation as required by the Suffolk County Charter; with that Board making its recommendation, and

WHEREAS, the Riverhead Town Board has referred the petition to the Riverhead Planning Board for its report and recommendation, with that Board making its recommendation, and

WHEREAS, the Residence RC Zoning Use District has been previously applied by this Town Board upon land similarly located, and

WHEREAS, the Riverhead Town Board has carefully reviewed the SEQR record, the public hearing record, the Findings of the relevant planning agencies, as well as other pertinent planning and environmental information;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board hereby amends the Zoning Use District Map of the Town of Riverhead through the application of the Residence RC District to the exclusion of the existing Industrial A and Residence B Zoning Use Districts upon that particular parcel of land as described as follows:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Riverhead, County of Suffolk and State of New York, being bounded and described as follows:

BEGINNING at a point on the southerly side of Sound Avenue, distant 697.32 feet westerly from the corner formed by the intersection of the southerly side of Sound Avenue with the westerly side of Fresh Pond Avenue, said point of beginning is also where the westerly line of Wildwood State Park and the easterly line of the premises being described herein intersects the southerly side of Sound Avenue;

RUNNING THENCE along Wildwood State Park and land of Riverhead Water District South $23^{\circ} 24' 50''$ East 839.79 feet to land now or formerly of B. Arthur Thurm;

RUNNING THENCE along land now or formerly of B. Arthur Thurm the following six (6) courses and distances:

1. South $79^{\circ} 00' 10''$ West 229.38 feet;
2. South $87^{\circ} 44' 50''$ West 87.53 feet;
3. South $81^{\circ} 40' 00''$ West 284.99 feet;
4. South $77^{\circ} 13' 40''$ West 132.42 feet;
5. South $79^{\circ} 58' 20''$ West 324.81 feet;
6. South $20^{\circ} 56' 30''$ East 1552.00 feet to land of the United States of America;

RUNNING THENCE along land of the United States of America, South $33^{\circ} 00' 10''$ West 1838.38 feet to land of LILCO;

RUNNING THENCE along land of LILCO North $65^{\circ} 37' 40''$ West 866.70 feet to land now or formerly of Ernest Lewin and Diane Lewin;

RUNNING THENCE along land now or formerly of Ernest Lewin and Diane Lewin the following five (5) courses and distances:

1. North 16° 40' 30" West 1034.78 feet;
2. North 76° 45' 50" East 1191.80 feet;
3. North 19° 49' 40" West 1675.32 feet;
4. North 5° 07' 20" East 56.80 feet;
5. North 19° 37' 20" West 325.89 feet to the southerly side of Sound Avenue;

RUNNING THENCE along the southerly side of Sound Avenue the following two (2) courses and distances:

1. North 77° 31' 10" East 756.50 feet;
2. North 78° 15' 20" East 1038.51 feet to the point or place of BEGINNING.

BE IT FURTHER

RESOLVED, that the Town Clerk be authorized to publish this resolution in its entirety in the October 10, 1990, edition of Suffolk County Life Newspaper, and

BE IT FURTHER

RESOLVED, that the contemplated residential construction to occur as a result of this approval shall require a Special Permit approval of the Riverhead Town Board; such Special Permit requiring the preparation of an engineered site plan in conformance with the SEQR Findings of this Board, and

BE IT FURTHER

RESOLVED, that a certified copy of this resolution be forwarded to Allen M. Smith, Esq., as agent for the applicant.

The vote, Stark, yes, Prusinowski, yes, Civiletti, no, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

662

AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE
TO CONSIDER AMENDING ARTICLE II LANDFILL FEES OF THE
RIVERHEAD TOWN CODE

COUNCILPERSON Lombardi offered the following resolution, which was seconded by COUNCILPERSON Civiletti:

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider amending Article II Landfill Fees of the Riverhead Town Code:

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 16th day of October, 1990, at 8:05 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider amending Article II Landfill Fees of the Riverhead Town Code as follows:

103-11. Usage Fees.

All vehicles entering the town landfill shall present to the gate attendant coupons as prescribed herein:

A. Residential vehicles.

- (1) Passenger vehicles, including but not limited to cars, station wagons and noncommercial vans: ~~one dollar (\$1.)~~ three dollars seventy-five cents (\$3.75) per visit.
- (2) Pickup trucks and commercial vans of one (1) ton's capacity or less: ~~two dollars (\$2.)~~ seven dollars fifty cents (\$7.50) per visit.
- (3) Trailers: ~~two dollars (\$2.)~~ seven dollars fifty cents (\$7.50) per visit.
- (4) Tires:
 - (a) Tires with diameters of sixteen and nine-tenths (16 9/10) inches or less: ~~fifty cents (\$0.50)~~ two dollars (\$2.) per tire.
 - (b) Tires with diameters of seventeen (17) inches or more: ~~one dollar (\$1.)~~ three dollars seventy-five cents (\$3.75) per visit.

B. Commercial vehicles:

- (1) Any vehicle of one (1) ton's capacity or less used for commercial purposes: ~~forty dollars (\$40)~~ one

- hundred fifty dollars (\$150.) per ton, with a minimum charge of ~~forty dollars (\$40.)~~ one hundred fifty dollars (\$150.) per billing period.
- (2) Pickup trucks and commercial vans of one (1) ton's capacity or less used for commercial purposes: ~~forty dollars (\$40.)~~ one hundred fifty dollars (\$150.) per ton, with a minimum charge of ~~forty dollars (\$40.)~~ one hundred fifty dollars (\$150.) per billing period.
- (3) Garbage haulers: ~~forty dollars (\$40.)~~ one hundred fifty dollars (\$150.) per ton, with a minimum charge of ~~forty dollars (\$40.)~~ one hundred fifty dollars (\$150.) per billing period.
- (4) Any vehicle of one (1) ton's capacity or more used for commercial purposes: ~~forty dollars (\$40.)~~ one hundred fifty dollars (\$150.) per ton, with a minimum charge of ~~forty dollars (\$40.)~~ one hundred fifty dollars (\$150.) per billing period.
- (5) Trailers: ~~forty dollars (\$40.)~~ one hundred fifty dollars (\$150.) per ton, with a minimum charge of ~~forty dollars (\$40.)~~ one hundred fifty dollars (\$150.) per billing period.
- (6) Tires from vehicles owned or operated by commercial establishments:
- (a) Tires from pickup trucks, vans, carryalls and tow trailers: ~~twenty dollars (\$20.)~~ seventy-five dollars (\$75.) per ton, with a minimum of ~~twenty dollars (\$20.)~~ seventy-five dollars (\$75.) per billing period.
- (b) Tires from single rear axle: ~~twenty dollars (\$20.)~~ seventy-five dollars (\$75.) per ton, with a minimum of ~~twenty dollars (\$20.)~~ seventy-five dollars (\$75.) per billing period.
- (c) Tires from dual rear axle: ~~twenty dollars (\$20.)~~ seventy-five dollars (\$75.) per ton, with a minimum of ~~twenty dollars (\$20.)~~ seventy-five dollars (\$75.) per billing period.
- (d) Tires from tractor-trailer units: ~~twenty dollars (\$20.)~~ seventy-five dollars (\$75.) per ton, with a minimum of ~~twenty dollars (\$20.)~~ seventy-five dollars (\$75.) per billing period.

(7) The billing period for said fees shall include the 20th day of a month to the 20th day of the succeeding month.

- C. In order to prevent a health hazard created by weekend accumulation of solid waste at certain properties within the Town of Riverhead, the Riverhead Landfill, upon approval of the Riverhead Town Board, may accept solid waste on Saturdays and Sundays at a fee of ~~fifteen dollars (\$15.)~~ forty-five dollars (\$45.) per cubic yard. A list of properties which are permitted to deposit solid waste in accordance with the provisions of this section shall be filed with the Town Clerk.

Dated: Riverhead, New York
October 2, 1990.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#663

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on October 2, 1990, at 7:30 o'clock A.M., Prevailing Time.

The meeting was called to order by Supervisor Janoski, and upon roll being called, the following were

PRESENT: Supervisor Joseph F. Janoski
Councilman John Lombardi
Councilman Victor Prusinowski
Councilman James Stark
Councilwoman Denise Civiletti

ABSENT:

The following resolution was offered by Councilman Vic Prusinowski, who moved its adoption, seconded by Councilman James Stark, to-wit:

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$508,250 SERIAL BONDS AND \$26,750 CAPITAL NOTES OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE CONSTRUCTION OF A CEMENT APRON AND RELATED FACILITIES TO BE USED IN CONNECTION WITH RECYCLING AT THE TOWN LANDFILL AND THE PURCHASE OF MOVABLE EQUIPMENT FOR USE IN SUCH RECYCLING.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Riverhead, New York, Suffolk County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the construction of a cement apron and related facilities to be used in connection with recycling at the Town Landfill, at a maximum estimated cost of \$200,000, and the purchase of movable equipment for use in such recycling, at a maximum estimated cost of \$335,000, in and for the Town of Riverhead, Suffolk County, New York, there are hereby authorized to be issued \$508,250 serial bonds and \$26,750 capital notes of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid construction a cement apron and

related facilities is \$200,000, and the plan for the financing thereof is as follows:

- a) By the issuance of \$190,000 serial bonds of the \$508,250 serial bonds authorized to be issued pursuant to this bond resolution. Further details concerning said bonds will be prescribed in a further resolution or resolutions of this Town Board; and
- d) By the issuance of \$10,000 capital notes of the \$26,750 capital notes of said Town authorized to be issued pursuant to this bond resolution. Such capital notes shall constitute the down payment required by Section 107.00 of the Local Finance Law, and such capital notes shall be sold at private sale and all further powers in connection with the details and the sale thereof are hereby delegated to the Supervisor, the chief fiscal officer, in accordance with the Local Finance Law. Pursuant to Section 107.00 of the Local Finance Law, the proceeds from the sale of such capital notes will be provided prior to the issuance of the bonds herein authorized or bond anticipation notes.

Section 3. It is hereby determined that the maximum estimated cost of the aforesaid movable equipment is \$335,000, and the plan for the financing thereof is as follows:

- a) By the issuance of \$318,250 serial bonds of the \$508,250 serial bonds authorized to be issued pursuant to this bond resolution. Further details concerning said bonds will be prescribed in a further resolution or resolutions of this Town Board; and
- d) By the issuance of \$16,750 capital notes of the \$26,750 capital notes of said Town authorized to be issued pursuant to this bond resolution. Such capital notes shall constitute the down payment required by Section 107.00 of the Local Finance Law, and such capital notes shall be sold at private sale and all further powers in connection with the details and the sale thereof are hereby delegated to the Supervisor, the chief fiscal officer, in accordance with the Local

Finance Law. Pursuant to Section 107.00 of the Local Finance Law, the proceeds from the sale of such capital notes will be provided prior to the issuance of the bonds herein authorized or bond anticipation notes.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid cement apron is twenty-five years, pursuant to subdivision 6 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the aforesaid movable equipment is ten years, pursuant to subdivision 6 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as

the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 7. The validity of such bonds, capital notes and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. Upon this resolution taking effect, the same shall be published in full in Suffolk County Life, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 9. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on October 2, 1990, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

Suffolk County Life

January 3, 1990

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Supervisor Joseph Janoski VOTING YES

Councilman John Lomabardi VOTING YES

Councilman Victor Prusinowski VOTING YES

Councilman James Stark VOTING YES

Councilwoman Denise Civiletti VOTING YES

The resolution was thereupon declared duly adopted.

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I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)
of posted notice

Date of Posting

Town Clerk's Bulletin Board

January 3, 1990

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on October ___, 1990.

Town Clerk

(CORPORATE
SEAL)

664 AUTHORIZES ATTENDANCE AT SEMINAR

Councilperson Stark offered the following resolution which was seconded by Councilperson Prusinowski.

WHEREAS, the New York Planning Federation is hosting the 52nd Annual Planning & Zoning Institute to be held in Lake Placid, New York on October 21-24, 1990.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the attendance of two (2) members each of the Planning Board and the Zoning Board of Appeals; and

BE IT FURTHER RESOLVED, that all costs incurred by said members shall be fully receipted upon their return and thereafter reimbursed by the Accounting Department; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Jane Stromski and the Office of Accounting.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

RESOLUTION #665APPROVES CHANGE OF ZONE PETITION OF OLIN WARNERADOPTED: OCTOBER 2, 1990

WHEREAS, the Riverhead Town Board is in receipt of a petition for the application of the Recreational District Zone to be used in conjunction with the existing Industrial 'A' Zoning Use District on a 30 + acre parcel located on the south side of River Road, Calverton (Suffolk County Tax Map Number 0600-118-4-5.1); such petition made by Olin Warner, and

WHEREAS, the Riverhead Town Board, as Lead Agency, has resolved the action as a Type I Action without a significant effect upon the environment and that an Environmental Impact Statement will not be prepared, and

WHEREAS, the Riverhead Town Board has referred this petition to the Suffolk County Pine Barrens Commission and the Suffolk County Planning Commission for their review as required by the Suffolk County Charter, and

WHEREAS, the County Planning agencies have approved the action with conditions, and

WHEREAS, the Riverhead Town Board referred the action to the Riverhead Planning Board for its report and recommendation, and

WHEREAS, the Planning Board has recommended that the Town Board approve said action subject to the conditions and requirements of Chapter 108 of the Town Code of the Town of Riverhead, and

WHEREAS, a public hearing was held on this action by the Riverhead Town Board on the 17th day of July, 1990, as required by the Riverhead Town Code, and

WHEREAS, the Recreational District has been previously applied by this Town Board upon land similarly located, and

WHEREAS, the Riverhead Town Board has carefully reviewed the SEQR record, the recommendations of the relevant planning agencies, the public hearing record, as well as other pertinent planning information associated with this petition;

NOW, THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board hereby amend the Zoning Use District of the Town of Riverhead through the application of the Recreational District in conjunction with the existing Industrial A Zoning Use District upon that particular parcel of land as described as Suffolk County Tax Map Number 0600-118-4-5.1, 13, and 14, and

BE IT FURTHER

RESOLVED, that the Town Clerk be authorized to publish this resolution in its entirety, together with a Schedule A Metes and Bounds description, in the October 10, 1990, edition of Suffolk County Life Newspaper, and

BE IT FURTHER

RESOLVED, that the contemplated residential construction to occur as a result of this approval shall require a Special Permit of the Riverhead Town Board; such Special Permit requiring the preparation of a Condominium Site Plan in conformance with the SEQR determinations of the Lead Agency and the conditions imposed by the Suffolk County Planning Commission and the Riverhead Planning Board, and

BE IT FURTHER

RESOLVED, that a certified copy of this resolution be forwarded to Peter S. Danowski Jr., Esq., as agent for the applicant.

Councilman Prusinowski offered the above resolution which was seconded by Councilman Stark.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

666

DESIGNATES INCORPORATORS OF THE BUSINESS IMPROVEMENT DISTRICT

COUNCILPERSON Lombardi offered the following resolution, which was seconded by COUNCILPERSON Civiletti:

WHEREAS, the Town Board of the Town of Riverhead adopted Article 19-A of the General Municipal Law, which allows for the creation of a Business Improvement District; and

WHEREAS, there is an immediate need for said Business Improvement District; and

WHEREAS, there is a necessity for incorporators to be designated in order to institute the map and plan for the Business Improvement District; and

WHEREAS, in accordance with Article 19A of the General Municipal Law, the Town Board hereby recommends that the following three (3) persons be designated as the incorporators of the Business Improvement District Management Association:

- Monique Gablenz
- Richard Hanley
- Andrea Lohneiss

NOW, THEREFORE, BE IT

RESOLVED, that Monique Gablenz, Richard Hanley and Andrea Lohneiss be and are hereby designated the incorporators of the Business Improvement District Management Association; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy to Monique Gablenz, Richard Hanley, Andrea Lohneiss and Michael LoGrande.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

668ADOPTS LOCAL LAW AMENDING SECTION 108-133 OF THE
RIVERHEAD TOWN CODE

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON Prusinowski :

WHEREAS, the Town Board has retained review and approval of site plans and the authority to adopt rules and regulations as it deems necessary consistent with the provision of Town Law Section 274-a; and

WHEREAS, the Town Board has consistently found that site plan applicants routinely fail to comply with all the terms and conditions of their site plan approval; and

WHEREAS, by this local law, the Town Board intends to address the all too frequent situation whereas applicants disregard the site plan conditions and occupy the commercial establishments without benefit of a certificate of occupancy, whereby the Town of Riverhead must bear the responsibility and expense of pursuing legal recourse against the owners and tenants of the commercial establishments; and

WHEREAS, the intent of this local law is to assure prompt and complete compliance with site plan conditions; and

WHEREAS, the Town Board is hereby authorized to impose reasonable conditions for site plan review and approval therefor to the extent that this local law amends or supersedes, in its local application, Town Law Sections 64 and 274-a, and the Town Board hereby applies its supersession authority pursuant to Municipal Home Rule Law Section 10(1)(ii)(d)(3); and

WHEREAS, this local law is tailored to address the local concerns of the Town Board with respect to review and compliance with site plan approval, thus amending Section 274-a for the purpose of fully and completely exercising the powers granted to the Town Board under the NYS Constitution and general laws of the State of New York; and

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Section 108-133 of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 2nd day of October, 1990, at 7:45 o'clock p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the Supervisor hereby certifies as to the necessity for the immediate passage of said local law pursuant to Section 20(4) of Municipal Home Rule Law.

NOW, THEREFORE, BE IT

RESOLVED, that a local law amending Section 108-133 of the Riverhead Town Code be and is hereby adopted as follows:

108-133. Conditions for approval.

- I. Performance bond or other equivalent security. Upon approval of a final site plan by the Town Board and prior to the issuance of a building permit, the applicant shall post a performance bond, or other equivalent security, in a form approved by the Town Attorney and adopted by resolution of the Town Board, in an amount equal to five percent (5%) of the cost of construction as estimated by the Building Department or Town Engineer. The Town Board may, at its discretion, reduce or waive a performance bond upon a showing of significant hardship. No certificate of occupancy shall be issued until all site improvements have been inspected and approved by the Planning Department and Architectural Review Board and said performance bond, or equivalent security, has been released by resolution of the Town Board. In the event the applicant fails to comply with the provisions of this Article, the performance bond or other security shall be forfeited to the Town and the Town of Riverhead shall complete the site plan improvements. Where the cost of the improvements exceeds the forfeited security, the additional cost, including but not limited to any legal fees incurred, shall be and constitute a lien upon the land upon which the improvements are to be made and shall be included in the levy against such property and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as is provided by law for the collection and enforcement of real property taxes in the Town of Riverhead.

and be it further

RESOLVED, that the Supervisor hereby certifies as to the necessity for the immediate passage of said local law; and be it further

RESOLVED, that this local law shall take effect immediately upon passage by an affirmative vote of at least twothirds (2/3) of the Town Board pursuant to Section 20(4) of Municipal Home Rule Law;

and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution once in the Suffolk County Life and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Planning Department, Building Department and the Town Attorney's Office.

Dated: Riverhead, New York
October 2, 1990.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Stark, yes, Prusinowski, yes, Civilètti, yes,
Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#669 APPROVES SITE PLAN OF AUGUSTO DE MICHIEL

Councilperson Prusinowski offered the following resolution, which was seconded by Councilperson Stark:

WHEREAS, a site plan, elevations, and landscape plan were submitted by Augusto De Michiel for renovation of an existing structure for use as a restaurant, with attendant site improvements located at north side of North Country Road, Wading River, New York, known and designated as Suffolk County Tax Map Number 0600-49-2-15; and

WHEREAS, the Planning Department has reviewed the site plan dated August 9, 1988, and last revised September 10, 1990, as prepared by George Michos, P.E., 101 Longfellow Lane, Port Jefferson, New York, 11777, elevations dated October 23, 1989, and last revised January 18, 1990, as prepared by George Michos, P.E., 101 Longfellow Lane, Port Jefferson, New York, 11777, and landscape plan dated September 10, 1990, as prepared by George Michos, P.E., 101 Longfellow Lane, Port Jefferson, New York, 11777, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Unlisted Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

WHEREAS, this Town Board has reviewed the site plan, elevations, and landscape plan aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the site plan, elevations, and landscape plan submitted by Augusto De Michiel, for renovation of an existing structure for use as a restaurant, with attendant site improvements, located at north side of North Country Road, Wading River, New York, site plan dated August 9, 1988, and last revised September 10, 1990, as prepared by George Michos, P.E., 101 Longfellow Lane, Port Jefferson, New York, 11777, elevations dated October 23, 1989, and last revised January 18, 1990, as prepared by George Michos, P.E., 101 Longfellow Lane, Port Jefferson, New York, 11777, and landscape plan dated September 10, 1990, as prepared by George Michos, P.E., 101 Longfellow Lane, Port Jefferson, New York, 11777, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and Chapter 98, prohibiting the accumulation of litter, and agrees to abide by same;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;

7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;

8. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "**No Parking, Handicap Only**", and the universal symbol affixed thereto. Further, by execution and filing of this document, Augusto De Michiel hereby authorizes and consents to the Town of Riverhead to enter premises at north side of North Country Road, Wading River, New York, to enforce said handicapped parking regulations;

9. That by execution and filing of this document, Augusto De Michiel hereby authorizes and consents to the Town of Riverhead to enter premises at north side of North Country Road, Wading River, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. That all utilities shall be constructed underground;

12. That this approval shall be subject to any and all conditions noted on the plans initialled by a majority of the Town Board;

13. That two columns shall be provided at the main entry, and that exterior grilles shall be applied to all windows;

14. That, prior to the issuance of a Building Permit, a performance bond, or other equivalent security, in a form approved by the Town Attorney and adopted by resolution of the Town Board, shall be provided by the applicant in accordance with requirements of Section 108-133 of the Town Code;

15. That this approval shall be limited to a maximum of thirty-six (36) seats, in accordance with Suffolk County Department of Health Services requirements; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Augusto De Michiel, Richard Novack, George Michos, P.E., the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 1990, made by Augusto De Michiel, residing at 823 Jericho Turnpike, St. James, New York, 11780, Declarant.

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns; to wit:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of

Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same;

5. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

6. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

7. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only", and the universal symbol affixed thereto;

8. That by execution and filing of this document, Augusto De Michiel hereby authorizes and consents to the Town of Riverhead to enter premises at north side of North Country Road, Wading River, New York, to enforce any and all codes, ordinances, and regulations of the Town of Riverhead;

9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

10. That all utilities shall be constructed underground;

11. That this approval shall be subject to any and all conditions noted on the plans initialled by a majority of the Town Board;

12. That two columns shall be provided at the main entry, and that exterior grilles shall be applied to all windows;

13. That, prior to the issuance of a Building Permit, a performance bond, or other equivalent security, in a form approved by the Town Attorney and adopted by resolution of the Town Board, shall be provided by the applicant in accordance with requirements of Section 108-133 of the Town Code;

14. That this approval shall be limited to a maximum of thirty-six (36) seats, in accordance with Suffolk County Department of Health Services requirements.

Declarant has hereunto set his (her) hand and seal the day and year above first written.

Augusto De Michiel

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

On the ____ day of _____, 1990, before me personally came Augusto De Michiel, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at north side of North Country Road, Wading River, New York, the subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

NOTARY PUBLIC